

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

MARCIA JEAN HICKS
6599 E. Thomas Rd., Apt. 1066
Scottsdale, Arizona 85251,

Registered Nurse License No. 560095,

Respondent.

Case No. 2008-99

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 29, 2008.

IT IS SO ORDERED January 29, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
4 California Department of Justice
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-6819
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7

8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-99

12 **MARCIA JEAN HICKS**
6599 E. Thomas Rd., Apt. 1066
13 Scottsdale, Arizona 85251

STIPULATED SURRENDER
OF LICENSE AND ORDER

14 Registered Nurse License No. 560095,

15 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Marcia Jean Hicks (Respondent) is representing herself in this proceeding
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about September 28, 1999, the Board of Registered Nursing issued
27 Registered Nurse License Number 560095 to Marcia Jean Hicks (Respondent). The license
28 expired on July 31, 2001, and has not been renewed.

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1 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
2 and surrender, without notice to or participation by Respondent. By signing the stipulation,
3 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
4 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
5 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
6 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
7 between the parties, and the Board shall not be disqualified from further action by having
8 considered this matter.

9 **OTHER MATTERS**

10 11. The parties understand and agree that facsimile copies of this Stipulated
11 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
12 and effect as the originals.

13 12. In consideration of the foregoing admissions and stipulations, the parties
14 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
15 following Order:

16 **ORDER**

17 IT IS HEREBY ORDERED that Registered Nurse License No. 560095, issued to
18 Respondent Marcia Jean Hicks, is surrendered and accepted by the Board of Registered Nursing.

19 13. The surrender of Respondent's registered nurse license and the acceptance
20 of the surrendered license by the Board shall constitute the imposition of discipline against
21 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
22 Respondent's license history with the Board.

23 14. Respondent shall lose all rights and privileges as a Registered Nurse in
24 California as of the effective date of the Board's Decision and Order.

25 15. Respondent shall cause to be delivered to the Board both her wall pocket
26 and license certificate on or before the effective date of the Decision and Order.

27 16. Respondent fully understands and agrees that if she ever files an
28 application for licensure or a petition for reinstatement in the State of California, the Board shall

1 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
2 and procedures for reinstatement of a revoked license in effect at the time the petition is filed,
3 and all of the charges and allegations contained in Accusation No. 2008-99 shall be deemed to be
4 true, correct and admitted by Respondent when the Board determines whether to grant or deny
5 the petition.

6 17. Upon reinstatement of license, Respondent shall pay to the Board its costs
7 associated with its investigation and enforcement pursuant to Business and Professions Code
8 section 125.3 in the amount of \$321.00. Respondent shall be permitted to pay these costs in a
9 payment plan approved by the Board.

10 18. Respondent shall not apply for licensure or petition for reinstatement for
11 one (1) year from the effective date of the Board of Registered Nursing's Decision and Order.

12 **ACCEPTANCE**

13 I have carefully read the Stipulated Surrender of License and Order. I understand
14 the stipulation and the effect it will have on my registered nurse license. I enter into this
15 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
16 be bound by the Decision and Order of the Board of Registered Nursing.

17 DATED: 10/11/07

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20 MARCIA JEAN HICKS
21 Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED October 26, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California



ARTHUR D. TAGGART
Supervising Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2006100801
10383584.wpd

Exhibit A
Accusation No. 2008-99

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Supervising Deputy Attorney General
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8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-99

13 **MARCIA JEAN HICKS**
6599 E. Thomas Rd., Apt. 1066
14 Scottsdale, Arizona 85251

ACCUSATION

15 Registered Nurse License No. 560095

16 Respondent.

17
18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about September 28, 1999, the Board issued Registered Nurse
24 License Number 560095 to Marcia Jean Hicks ("Respondent"). The license expired on
25 July 31, 2001, and has not been renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

COST RECOVERY

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 8. Respondent is subject to discipline under Code section 2761(a)(4), in that
4 effective November 16, 2006, before the Arizona State Board of Nursing, in the case entitled, *In*
5 *the Matter of Professional Nurse License No: RN109517, Issued to: Marcia Jean Hicks,*
6 *Respondent*, pursuant to the Consent for Entry of Voluntary Surrender Order No. 0507052
7 ("Consent Order"), attached hereto as **Exhibit A**, Respondent voluntarily surrendered her
8 Arizona Registered Nurse License Number RN 109517 for a minimum of five (5) years based on
9 the following Findings of Fact, Conclusion of Law:

10 a. On or about May 14, 2005, Respondent was arrested by Scottsdale Police
11 Department for disorderly conduct when she was found outside of her apartment building singing
12 loudly and yelling profanities.

13 b. On or about May 17, 2005, Respondent was admitted to Desert Vista
14 Behavioral Health Care Center for bipolar mania with psychosis and non-compliance with
15 medications.

16 c. On or about May 26, 2005, Respondent was ordered into a combined
17 inpatient/outpatient treatment program for one year. The inpatient treatment was terminated on
18 July 12, 2005.

19 d. On or about May 10, 2005, Respondent was terminated from her
20 employment with American Healthways for health reasons, and is eligible for rehire after she
21 obtains a release to return to employment by her physician and possesses an active Arizona
22 professional nursing license.

23 e. On or about October 14, 2005, Respondent acknowledged in an interview
24 with Board staff the previous findings of fact and that she is currently unable to perform patient
25 care duties until she is evaluated by a psychiatrist and given authorization for her to return to
26 nursing practice.

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1 f. On or about December 14, 2005, Respondent entered into a Consent
2 Agreement and Order for an indefinite suspension pending completion of psychiatric and fitness
3 to return to duty evaluation and any resulting treatment recommendations followed by a 12
4 month stayed suspension/probation, followed by standard probation for 24 months.

5 g. On or about October 12, 2006, Respondent requested to voluntarily
6 surrender her license.

7 **PRAYER**

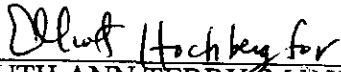
8 **WHEREFORE**, Complainant requests that a hearing be held on the matters
9 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 560095, issued
11 to Marcia Jean Hicks;

12 2. Ordering Marcia Jean Hicks to pay the Board of Registered Nursing the
13 reasonable costs of the investigation and enforcement of this case, pursuant to Code
14 section 125.3; and,

15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: 9/18/07

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19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 SA2006100801
26 Accusation (kdg) 8/30/07
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RECEIVED A.S.B.N.
ARIZONA STATE BOARD OF NURSING
4747 N. 7th Street Suite 300
Phoenix, Arizona 85014
602-889-5150
MAY 14 PM 4:06

IN THE MATTER OF PROFESSIONAL
NURSE LICENSE NO.
RN109517
ISSUED TO:

MARCIA JEAN HICKS
RESPONDENT

CONSENT FOR ENTRY OF
VOLUNTARY SURRENDER

ORDER NO. 0507052

A complaint charging Marcia J. Hicks ("Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. §32-1663 (D)(5), Respondent voluntarily surrenders her license for a minimum of five years.

Based on the evidence before it, the Board makes the following Findings of Fact,
Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN109517.
2. On or about May 14, 2005, Respondent was arrested by Scottsdale Police Department for disorderly conduct when she was found outside her apartment building singing loudly and yelling profanities.
3. On or about May 17, 2005, Respondent was admitted to Desert Vista Behavioral Health Care Center for bipolar mania with psychosis and non-compliance with medications.

4. As evidenced in Maricopa County Superior Court No. MH2005-000748, on May 26, 2005, Respondent was ordered into a combined inpatient/outpatient treatment program for one year. Inpatient treatment was terminated on July 12, 2005.

5. Respondent was employed by American Healthways from March 19, 2001, to on or about May 10, 2005. Respondent's employment was terminated for health reasons, and she is eligible for rehire after obtaining a release to return to employment by her physician and possesses an active Arizona professional nursing license.

6. In an interview on October 14, 2005 with Board staff, Respondent acknowledged the previous findings of fact and that she is currently unable to perform patient care duties until evaluated by a psychiatrist and given authorization for her safety to return to nursing practice.

7. On or about December 14, 2005, Respondent entered into Consent Agreement and Order No. 0507052 for an indefinite suspension pending completion of psychiatric and fitness to return to duty evaluation and any resulting treatment recommendations followed by a 12 month stayed suspension/probation, followed by standard probation for 24 months.

8. On or about October 12, 2006, Respondent requested to voluntarily surrender her license.

CONCLUSIONS OF LAW

Pursuant to A.R.S. § § 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1601(16) (d), (e), (i), and A.A.C. R4-19-403(25).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. §§ 32-1663 (D)(5) 32-1664(N) to take disciplinary action against

Respondent's license to practice as a professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact, Conclusions of Law.

Respondent understands that she has an opportunity to request a hearing and declines to do so. Respondent agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to this Order.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into the Consent Agreement and such consultation has either been obtained or is waived.

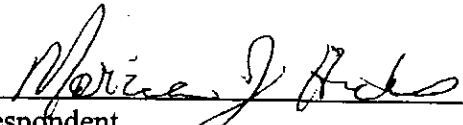
Respondent understands that this voluntary surrender is effective upon its acceptance by the Executive Director or the Board and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Respondent, the agreement cannot be withdrawn without the Executive Director or the Board's approval or by stipulation between the Respondent and the Executive Director or the Board. The effective date of this Order is the date the Voluntary Surrender is signed by the Executive Director or the Board and by Respondent. If the Voluntary Surrender is signed on a different date, the later date is the effective date.

Respondent understands that Voluntary Surrender constitutes disciplinary action. Respondent also understands that she may not reapply for reinstatement during the period of

Voluntary Surrender.


Respondent agrees that she may apply for reinstatement after the period of voluntary surrender under the following conditions, and must comply with current law at the time of their application for reinstatement:

The application for reinstatement must be in writing and shall contain therein or have attached thereto substantial evidence that the basis for the voluntary surrender has been removed and that the reinstatement of the license does not constitute a threat to the public's health, safety and welfare. The Board may require physical, psychological, or psychiatric evaluations, reports and affidavits regarding the Respondent as it deems necessary. These conditions shall be met before the application for reinstatement is considered.


Respondent

Date: 11/2/06

ARIZONA STATE BOARD OF NURSING


Joey Ridenour, R.N., M.N.
Executive Director

Dated: 11/16/06

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SEAL

Bailey/RN109517

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ORDER

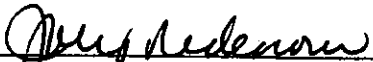
Pursuant to A.R.S. § 32-1663 (D)(5) the Board hereby accepts the Voluntary Surrender of professional nurse license number RN109517, issued to Marcia J. Hicks. This Order of Voluntary Surrender hereby entered shall be filed with the Board and shall be made public upon the effective date of this Consent Agreement. Respondent shall not practice in Arizona under the privilege of a multistate license.

IT IS FURTHER ORDERED that Respondent may apply for reinstatement of said license after a period of five years.

ARIZONA STATE BOARD OF NURSING

SEAL

RECEIVED A.S.B.N.
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Joey Radenour, R.N., M.N.
Executive Director

Dated: 11/14/06

JR/EB:bs

COPY mailed this 17th day of October 2006, by First Class Mail to:

Marcia J. Hicks
6599 E. Thomas Road #1066
Scottsdale, Arizona 85251

By: E. Bailey
Senior Investigator